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Chairman: Mr. LEHMANN (Denmark)

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The meeting was called to order at 10.25 a.m.

AGENDA ITEM 140: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)
(A/50/368 and Add.1 and 2)

1. Mr. RODRIGUEZ LANUZA (Nicaragua), speaking on behalf of Costa Rica, El Salvador, Guatemala, Honduras, Panama and his own delegation, said that the programme of activities of the United Nations Decade of International Law was consonant with the legal principles applied in the region, which had adopted a number of measures which were closely connected with the subject.

2. The establishment of the Central American Integration System (SICA) by the Tegucigalpa Protocol and the operation of SICA were also closely linked with the Decade in that the objective of SICA was to promote the progressive development of international law at the regional level. For that reason, it was gratifying that SICA had been admitted to the General Assembly as an observer at the current session.

3. In 1994, the Central American Court of Justice had been established as the main, permanent judicial body of SICA; the Court's verdicts had binding legal value for the solution of regional conflicts which arose both between States and between individuals or legal entities in the region and Governments or SICA bodies. The Court preserved and enhanced the principles of its predecessor, the Cartago Court, established in 1907, which had been the first international court to which individuals had had access against the State.

4. Within the framework of SICA, Nicaragua had proposed to the other countries of the region that a democratic security treaty for Central America should be signed, which would include various legal topics of regional and international scope, some of which had been taken from the programme for the Decade. At the same time, at the Guatemala Summit, held in 1994, the Central American Presidents, with the participation of the University for Peace, had decided to approve a programme on the culture of peace and democracy in Central America in order to promote, in the civil society of the region, knowledge of the rules, norms and procedures related to human rights and the peaceful settlement of disputes and to maintain Central America as a region of peace, democracy, freedom and development.

5. In order to promote acceptance of and respect for the principles of international law, the region had progressed in an integrated manner in signing and ratifying international instruments on various subjects. For example, in the area of the environment, the convention establishing the Central American Commission on Environment and Development, an agreement regulating the transboundary movement of hazardous wastes at the Central American level, a regional convention on biological diversity, a convention on climate change, the Volcán Masaya Declaration, a regional convention on the management and conservation of natural forest ecosystems and the development of forest plantations and the agreement establishing the Centre for the Coordination of the Prevention of Natural Disasters in Central America (CEPREDENAC) had been signed. In addition, the Central American countries had joined in the plan of action of the Convention for the Protection of the Marine Environment and

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Coastal Area of the South-East Pacific. For its part, the Central American Court of Justice had initiated its activities with the participation of three countries.

6. With regard to combating drug trafficking, a regional cooperation agreement for the eradication of illicit drug trafficking and the agreement establishing the Permanent Central American Commission for the Eradication of the Production, Consumption, and Illicit Use of Drugs and Psychotropic Substances had been signed. With respect to legislation, the LEGISMAR project should be noted; its purpose was to establish uniform legislation for Central American maritime transport. In the area of intellectual property, the region had progressed in a coordinated manner within the framework of the Central American convention on the subject and had taken steps to accede to the Berne and Paris conventions. Lastly, in the sphere of international criminal law, a treaty for mutual legal assistance in criminal matters had been signed, and was currently being ratified in the Central American parliaments.

7. He drew attention to the judgment issued recently by the International Court of Justice in the border dispute between El Salvador and Honduras in which, for the first time, the Court had applied Article 62 of the Statue, allowing the intervention of a third country, specifically Nicaragua. On the fiftieth anniversary of the United Nations, Nicaragua had established a Nicaraguan committee for the United Nations Decade of International Law which planned to carry out various activities linked with the programme for the Decade.

8. His Government welcomed the proposal by the Russian Federation to convene a third international conference for peace which would coincide with the centenary of the Hague peace agreements.

9. Mr. BASNET (Nepal) said that efforts for development would be successful only if they were based on the rule of law; that was the objective of the United Nations Decade of International Law.

10. At the mid-point of the Decade, there were signs of increasing international cooperation based on mutual recognition of the rights and obligations of States. In the view of his delegation, that was the contribution made by the Decade to the progressive development of international law. However, there was no point in codifying international norms unless they were scrupulously observed and put into practice.

11. Nepal had consistently supported the promotion of the norms and principles of international law and their progressive development and codification. Respect for and promotion of human rights occupied a central place in the policy of his Government; it was a party to 14 human rights instruments, which were being translated into the national language with a view to their wider dissemination.

12. His delegation welcomed the initiatives of the Commission on Crime Prevention and Criminal Justice regarding the elaboration of a convention on transnational crimes not covered by existing international instruments and a convention against illicit trafficking in children. Although it recognized that

the prevention of crime and promotion of the rule of law were the focus of the Decade, it believed that the principle pacta sunt servanda must be strictly observed.

13. Nepal attached great importance to international humanitarian law and welcomed the work of the International Committee of the Red Cross in disseminating information. His delegation strongly condemned illicit traffic in cultural property and supported punitive measures against illicit traffickers and the payment of compensation for the damage caused; it expressed appreciation to the United Nations Educational, Scientific and Cultural Organization (UNESCO) for publishing and disseminating the Convention for the Protection of Cultural Property in the event of armed conflict and its protocols.

14. One of the major achievements of the Decade had been the convening of the United Nations Congress on Public International Law; his delegation urged wide dissemination of the proceedings of the Congress.

15. His delegation expressed appreciation for the work carried out by the Asian-African Legal Consultative Committee, and commended the work done by the United Nations International Drug Control Programme in compiling and publishing national drug control laws and regulations. In the view of his delegation, cooperation and coordination among members of the international community should be enhanced in order to reduce the demand for drugs through programmes for the education, treatment, rehabilitation and social reintegration of drug addicts and the control of supply through suppression, crop substitution and the effective enforcement of drug-related laws.

16. Mr. CHANG (Republic of Korea) said that the United Nations Congress on Public International Law, held in March 1995, had been a useful opportunity to consider the codification, progressive development and dissemination of public international law. The growing trend in the United Nations and other international forums to enhance the role of international law was encouraging.

17. Referring to the extensive codification activities of the International Law Commission, he said that his delegation hoped that the Commission would conclude its work on other draft international conventions in the near future.

18. Given the lack of a legislative organ at the international level, the only practical alternative to secure the universality of international law was to advocate wider acceptance of key multilateral treaties by the international community. For that reason, his delegation welcomed General Assembly resolution 49/50 in which Member States were invited to become parties to existing multilateral treaties.

19. The Republic of Korea, which was participating actively in the codification of the principles of international law, was currently taking the necessary domestic measures to ratify and implement the United Nations Convention on the Law of the Sea. In respect of the peaceful uses of Antarctica, the Republic of Korea had signed the Protocol on Environmental Protection to the Antarctic Treaty.

20. His Government had a keen interest in the development of air and outer space law, and had been active in building a framework for the global environmental regime which was emerging as a new dimension of international law. His country was committed to protecting and promoting human rights; it had become a party to the major international human rights instruments and was carrying out various activities to champion human rights law in all sectors of society.

21. In addition to the initiatives undertaken by the Government, the Korean Association of International Law, with the support of many other national associations, was involved in the teaching, researching and dissemination of the principles of international law.

22. His Government supported the activities of the United Nations in achieving the aims of the United Nations Decade of International Law, and has committed to participating fully in those activities.

23. Mr. PANTIRU (Republic of Moldova) said that in the preceding years the United Nations had contributed greatly to the progressive development of international law, although further work was necessary. The United Nations Congress on Public International Law held in March 1995 had constituted a unique opportunity to consider and evaluate innovative ways and means of ensuring the world-wide promotion and implementation of the objectives of the United Nations Decade of International Law.

24. Since one of the objectives of the Decade was the promotion of means and methods for the peaceful settlement of disputes between States, it should be recalled that, in an attempt to systematize the causes of disputes, one of the participants in the United Nations Congress on Public International Law had emphasized the struggles between groups within a State. In addition, in his report entitled "An Agenda for Peace", the Secretary-General had referred to the dangers of nationalism; and in the supplement to "An Agenda for Peace", he had pointed out the importance of conflict-prevention mechanisms. The Republic of Moldova therefore welcomed the continuation of discussions in that area, which would help to strengthen the principle of the peaceful settlement of disputes, in accordance with the objectives of the United Nations Decade of International Law.

25. In order to achieve genuine implementation of the principle of peaceful settlement of disputes, the latter should be defined clearly to avoid, for example, confusing political conflicts with inter-ethnic conflicts. There was also a need to define clearly the concept of internal conflict. The United Nations could use the distinction made by the Organization for Security and Cooperation in Europe (OSCE) between the types of conflict which were occurring in the Balkan region. That approach had provided the basis for the OSCE position in relation to the complex conflicts in the Republic of Moldova.

26. The United Nations and OSCE had real opportunities for resolving regional conflicts, including internal ones. Their participation in efforts to settle a particular conflict by peaceful means also had the advantage of impartiality. In any case, States too could contribute to a just and durable settlement of disputes and conflicts when they were truly committed to the cause of peace and

acted impartially. Otherwise, their "good offices" could bring about results contrary to the re-establishment of a normal state of affairs, based on the norms of international law and the principles of the Charter of the United Nations.

27. The illegal presence of foreign military forces in the territory of another State was a source of insecurity and instability and any interference by those troops in internal conflicts or in the internal affairs of a sovereign and independent country not only constituted a serious violation of international law but also represented a major obstacle to the peaceful settlement of conflicts. Only the concerted action of international bodies, especially OSCE and the United Nations, could contribute effectively to re-establishing peace and security in the Balkan region and protecting the territorial integrity and independence of the Republic of Moldova. The time had come for the international community to take steps to establish procedures for the peaceful settlement of those new types of conflict. His Government welcomed the Russian Federation's initiative concerning the holding of a third international peace conference.

28. The emergence of new patterns of cooperation among States as a result of the end of the cold war had created better conditions for the progressive development of international law, and its codification. At the Special Commemorative Meeting of the General Assembly on the occasion of the fiftieth anniversary of the United Nations, the President of the his country had stated that the need to establish a new legal framework for the post-cold-war period was becoming more and more evident, and that it would be useful to define more precisely some of the existing concepts of international law. With that in mind, his Government intended to convene, in Chişinău, an international conference dedicated to the question of separatism. The conference would improve understanding of that phenomenon and help to identify methods for combating it within the framework of international legal instruments.

29. Concerning another of the objectives of the Decade, namely encouraging the teaching, study, dissemination, and greater appreciation of international law, the law faculty curriculum in his country included international law, and it was even possible to specialize in international law and international economic relations. His Government reiterated that it was interested in receiving fellowships to enable young lawyers to deepen their knowledge of international law and acquire experience in the legal work of the United Nations and its specialized agencies. It was especially interested in fellowships from the United Nations Institute for Training and Research (UNITAR) for attendance at specialized seminars in international law.

30. Mr. CAMACHO (Ecuador) said that the Secretary-General's report on the United Nations Decade of International Law (A/50/368) provided an overview of the significant progress already made as a result of the work undertaken by Member States and United Nations bodies, by various intergovernmental and non-governmental organizations and by the international tribunals. He drew attention to the work being done by the United Nations International Drug Control Programme (UNDCP) and the United Nations Environment Programme (UNEP) to promote the acceptance of multilateral treaties and conventions related to their respective spheres of interest.

31. His Government, which considered protection of the environment to be of the highest importance, welcomed the organization of training programmes on environmental law and policy which were being organized jointly by UNITAR, the United Nations Centre for Human Settlements (Habitat) and UNEP. In addition, the work of the International Committee of the Red Cross (ICRC) to help States implement and disseminate international humanitarian law was worthy of mention.

32. He took a special interest in programmes relating to the teaching, study, dissemination and greater appreciation of international law organized within the framework of the United Nations Decade of International Law by various United Nations bodies and by UNITAR in particular.

33. With regard to another of the objectives of the Decade, namely, encouragement to the progressive development of international law and its codification, the Commission on Human Rights was carrying out important work on the draft declaration on the rights and responsibilities of individuals, groups and institutions to promote and protect universally recognized human rights and fundamental freedoms; it was also working on a declaration on the rights of indigenous peoples. In the area of the law relating to international trade, the United Nations Commission on International Trade Law (UNCITRAL) had adopted at its twenty-eighth session a draft convention on independent guarantees and stand-by letters of credit.

34. The most prominent event in 1995 related to the Decade had been the United Nations Congress on Public International Law. The Congress had achieved its main goal, which was to highlight the importance of international law as a system of international coexistence based on respect for the law and the effective promotion and protection of human rights and democracy.

35. As far as the activities for the rest of the Decade were concerned, his Government welcomed the initiative of the President of the Russian Federation concerning the convening of a third international peace conference in 1999.

36. Mr. BAXTER (Australia) said that 1995 had been a very important year for international humanitarian law. His country had participated in the meeting of the intergovernmental group of experts for the protection of war victims, and in the review of the 1980 Inhumane Weapons Convention. It looked forward to contributing to the 26th International Conference of the Red Cross and Red Crescent, which would take place in December 1995.

37. The changing nature of armed conflict, more often occurring at a non-international level and involving deliberate attacks on the civilian population, hindered the implementation of the traditional rules and principles of international humanitarian law. It was therefore essential to establish rules during the Decade to regulate armed conflict. The Decade's objective of promoting the acceptance of and respect for the principles of international law and encouraging its dissemination were crucial for the continued relevance of international humanitarian law in the current changing world. The increase in armed conflict during the 1990s was another, tragic reason for the international community to focus during the Decade on developing as far as possible the law of armed conflict. His country had committed itself totally to developing and strengthening international humanitarian law; to that end, it had hosted the

Second Regional Conference on International Humanitarian Law in December 1994. More than 160 representatives of governmental and non-governmental bodies, including the Red Cross and Red Crescent, had taken part in the Conference. Taking as a reference the final declaration of the International Conference for the Protection of War Victims, the Regional Conference had explored the fundamental issues in the field of international humanitarian law, such as enforcement, peace-keeping, peacemaking, the problems of sexual violence and crimes against women and children during armed conflict, the protection of cultural property and the use of land-mines. The Conference had offered a forum for dialogue on the most pressing issues of international humanitarian law. Moreover, it had allowed discussions to take place on national problems relating to the implementation and dissemination of international humanitarian law and attempts had been made to develop solutions in the regional context. Furthermore, the Conference had raised awareness of the interrelationship between issues of international humanitarian law and general international law, and had encouraged the establishment of a strong regional base for contributions to revitalizing international humanitarian law.

38. The Australian Red Cross Society had recently sponsored the establishment of a chair in international humanitarian law at the University of Melbourne, which would be only the third of its kind in the world (the other two were in Germany and the Netherlands). That chair would help to promote a wider understanding of international humanitarian law at the national, regional and international levels.

39. Much remained to be done to ensure that the laws of armed conflict were observed. Noteworthy in that respect was the work done by the International Committee of the Red Cross and other bodies on the protection of the environment in times of armed conflict.

40. In the past few years, there had been a significant increase in the interest shown by the Australian public in the impact of treaties in many areas, which had led to calls for more information about them to be made available. The Secretariat was therefore to be commended for its work on making available in electronic form international law materials, and treaty materials in particular.

41. Mr. SÁNCHEZ (Spain), speaking on behalf of the European Union, said he shared and supported the aims of the United Nations Decade for International Law described in paragraph 2 of General Assembly resolution 44/23: to promote acceptance of and respect for the principles of international law; to promote means and methods for the peaceful settlement of disputes between States; to encourage the progressive development of international law and its codification; and to encourage the teaching, study, dissemination and wider appreciation of international law. The European Union noted with special interest the contributions made in that respect by several international organizations and bodies, such as ICRC for its work on the protection of the environment in times of armed conflict, and the Permanent Court of Arbitration and OSCE, which had reported on initiatives to promote the peaceful settlement of disputes.

42. With regard to the activities undertaken in the framework of the Decade in the field of the teaching, study, dissemination and wider appreciation of

international law, the United Nations Congress on Public International Law held in March 1995 should be singled out. The Congress had served as a forum for the exchange of opinions, and the convening of round tables for more in-depth discussions had been particularly valuable, as it had allowed informal meetings to take place in which a large number of speakers had been able to participate. The academic focus of the statements had guaranteed sufficient independence from the work of United Nations bodies.

43. The European Union welcomed the efforts of the Secretariat and, in particular, the Treaty Section of the Office of Legal Affairs, to make the United Nations collection of treaties available in an electronic database. Also notable were the measures being taken to allow direct access for Member States and to make the collection of multilateral treaties deposited with the Secretary-General on the Internet by the end of November 1995.

44. The Russian Federation had presented a proposal in the framework of the Decade to commemorate the centenary of the First International Peace Conference, held in The Hague in 1899. The European Union considered that the question of how best to commemorate that anniversary merited further consideration.

45. Mr. BENADAVA (Chile) said that one of the foundations of Chile's foreign policy was respect for international law, the peaceful settlement of international conflicts and prevention of them by dialogue and negotiation. Therefore it had offered its enthusiastic support to activities within the framework of the Decade.

46. His Government was studying with interest the initiatives to convene a third peace conference in 1999. One of the basic subjects of that conference should be the development of a modern system for the prevention and settlement of international disputes. Interested States should lose no time in appointing groups of experts to present to their respective Governments ideas and proposals for the organization of the conference and the items to be included in its agenda. At a later stage, those groups could exchange ideas with the aim of defining common and alternative preliminary positions on various aspects of the conference.

47. Chile had followed the activities of the International Committee of the Red Cross (ICRC) with great interest, including the establishment of an advisory services structure. It was to be hoped that the Committee's forthcoming Conference would adopt the recommendations to be submitted to it by the group of intergovernmental experts and that ICRC would prepare a report on customary rules applicable to armed conflicts. With the Government's support, the International Committee of the Red Cross had organized a number of courses and seminars in Chile on aspects of international humanitarian law, intended primarily for university students and members of the armed forces and police institutions. One week previously, the Chilean Government had signed an agreement with ICRC regarding its contribution to ICRC's humanitarian activities.

48. His delegation was pleased to note that several international organizations continued to publish their international practice and offer advisory services to Governments in their respective areas of expertise.

49. He also drew attention to the efforts of the International Bureau of the Permanent Court of Arbitration to revitalize its activities and provide the international community with modern instruments for the settlement of disputes.

50. Ms. WILLSON (United States of America) said that the activities connected with the Decade had heightened awareness of the importance of international law. Including an item on the Decade in the General Assembly agenda provided a platform for States to share ideas on ways and means of developing international law and increasing appreciation of its value. That was certainly a major contribution of the United Nations Congress on Public International Law, which had been organized by the Secretariat with its usual professionalism and efficiency and had served as a forum for formal presentations and informal exchanges of ideas in various areas.

51. The programme for the Decade served, among other things, as a structure for the work of private organizations in the field of international law. In 1995, the American Society of International Law had published a brochure on its activities and, in the introduction, mention was made of the Society's support for the aims of the Decade set out in General Assembly resolution 44/23. Publicizing the work of the United Nations, by private organizations, could have a significant impact if it was done by such groups in all 185 Member States. In addition to its annual meeting and co-sponsorship of an international law weekend, the Society, through its Outreach Project to Promote the Rule of Law in World Affairs, sponsored briefings by prominent speakers, targeted at high-level officials in Washington, D.C. It had also co-sponsored a seminar for judges on the role of international law in United States courts. To foster wider dissemination of international law, the Society distributed its Journal in countries in Eastern Europe, the former Soviet Union and sub-Saharan Africa. The American Society of International Law had almost completed a series of 10 30-minute videos on subjects including the nature and sources of international law, the role of States, the law of treaties, human rights, international organizations, the use of force, international dispute settlement and international criminal law. Such audio-visual aids could be of great importance in bringing international law to wider segments of the international community. The United Nations production "International Law: Our Common Language", which had been shown during the Congress, was another commendable example.

52. Her delegation was pleased to note the progress achieved by the United Nations in computerization, and particularly that the United Nations Treaty Series would become available on-line.

53. Since 1992, the United States Agency for International Development, in coordination with the Department of State, had been operating the Rule of Law Program for Eastern Europe and the Newly Independent States pursuant to the Freedom Support Act. Under the Rule of Law Programme, the United States Government provided funding for projects to assist those States in developing and implementing their national laws in such areas as criminal justice, law enforcement, environmental protection and human rights. The Programme had also offered grants to Governments (for instance, Georgia) and non-governmental organizations so that they could be linked to the Internet.

54. The American Society of International Law had undertaken a project, funded by the Ford Foundation, to create an international law communications network. The objective was to identify the units of the network, understand how they functioned, assess their role in the network and determine what kind of electronic link, if any, would best support the network.

55. The Secretary-General's reports on the Decade (A/50/368 and Add.1 and 2) and on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/50/726) had been valuable for purposes of dissemination and broader appreciation of international law.

56. Taking advantage of the similarities between agenda items 139 and 140, she expressed her appreciation for the wide range of activities that had been undertaken in implementation of the Programme of Assistance during the biennium 1994-1995 and those to be conducted during the biennium 1996-1997. From the outset, her delegation had maintained that the goal of the Decade should be to promote the aims of the Programme of Assistance. To a large extent, the activities of the first half of the Decade had validated that view. The challenge for the remainder of the Decade would be to make maximum use of the possibilities offered by the information age.

57. Mr. AYEWAH (Nigeria) said that his delegation had supported the proclamation of the United Nations Decade for International Law because it believed that peace and harmony among nations and peoples could best be achieved through mutual respect for sovereignty and promotion of the rule of law in international relations. The duty of the international community was to promote understanding of the United Nations and to highlight the need to reaffirm the Organization's purposes and principles.

58. In the area of the peaceful settlement of disputes, strengthening the authority of the International Court of Justice was of paramount importance. Accordingly, States should accept the compulsory jurisdiction clause and contribute to the Trust Fund that had been set up to assist States in the settlement of disputes through the International Court of Justice. He hoped that the Summaries of the Judgments, Advisory Opinions and Orders of the International Court of Justice (ST/LEG/SER.F/1) could be regularly updated. Sufficient instruments existed for the peaceful settlement of disputes, but practical means should be found to encourage States to use them voluntarily and to comply more fully with their obligations under international law.

59. His delegation welcomed the convening of the United Nations Congress on Public International Law, which had attracted over 1,500 specialists from over 150 countries. It was to be hoped that the Secretariat would complete compilation of the proceedings of the Congress as soon as possible and make them widely available at affordable cost, particularly in developing countries, where there was a dearth of such materials.

60. In order to maintain the momentum generated by the United Nations Decade for International Law, a third international peace conference should be held, to coincide with the one hundredth anniversary of the first International Peace Conference which had been held at The Hague in 1899.

The meeting rose at 11.55 a.m.